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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,301	12/04/2003	David McQueeney	FIS920030175US1	1300
77212	7590	01/26/2009	EXAMINER	
Cantor Colburn LLP - IBM Endicott 20 Church Street 22nd Floor Hartford, CT 06103				JANVIER, JEAN D
ART UNIT		PAPER NUMBER		
3688				
			NOTIFICATION DATE	DELIVERY MODE
			01/26/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

[usptopatentmail@cantorcolburn.com](mailto:usptopatentmail@cantorcolburn.com)

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/707,301	MCQUEENEY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	JEAN JANVIER	3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-49 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-49 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date ____ .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: ____ .

## **DETAILED ACTION**

### **Specification**

The title of the invention appears to be too long.

### **Claim Status**

Claims 1-49 are currently pending in the Instant Application.

### **General Comments**

It is herein understood that in a client-server environment where clients and servers are connected or linked over network, i.e. LAN, WAN, MAN or Internet, the clients have access to information or content (web page) stored on a server(s) based on access control or permission or rules (browsing/viewing or read only, copy, print, modify etc.). In other words, a web page content, related to a deep link or hyperlink, coupled to a web site connected to a web server, over the Internet, has specific access rights, such as browse/copy/print or browse/copy inhibit/print inhibit) associated therewith as specified by the author or web site owner for enabling a user of the client to read the content or a related abstract as specified by the author. The web pages or links (addresses) corresponding to the deep link (i.e. hyperlink as defined in the specification) and the respective access rights (access control) are stored before hand in a database (i.e. deep link table).

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 and 24 (including their dependent claims) are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Based on Supreme

Court precedent, a method/process claim must (1) be tied to another statutory class of invention (such as a particular apparatus) (see at least Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780, 787-88 (1876)) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing (see at least Gottschalk v. Benson, 409 U.S. 63, 71 (1972)). A method/process claim that fails to meet one of the above requirements is not in compliance with the statutory requirements of 35 U.S.C. 101 for patent eligible subject matter. . Here the claims fails to meet the above requirements because the steps are neither tied to another statutory class of invention (such as a particular apparatus) nor physically transform underlying subject matter (such as an article or materials) to a different state or thing.

In independent claims 1 and 24, each limitation should include a particular machine to be statutory under 35 USC 101 (Also see, United State Court of Appeals for the Federal Circuit, 2007-1130, IN RE BERNARD L. BILSKI and RAND A. WARSAW).

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Dutta, USP 6,539, 424B1.

The applied reference has a common Assignee with the Instant Application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.

As per claims 1-49, Dutta discloses a system, method and program for enabling a content provider to maintain control over the way in which a user may view the content provider's information. If the content provider receives a request for a Web page **that is a deep hyperlink** into the content provider's Web site (target site), then the content provider re-routes the request to the content provider's Home page. In addition, the content provider explicitly displays to the user, in an attached note, the next link or sequence of links that the user should follow in order for the user to get to the desired deep link content related to a web page of the content provider's web site or target site. As such, users are restricted from entering deeply into content providers' Web sites and bypassing a Web site's home page containing important information, such as advertisers' or sponsors' messages, that must first be presented to the user or visitor before the requested content can be displayed or provided in a target web page related to the deep link or

hyperlink activated at a content aggregator's web page (original source) (See abstract; col. 2: 54 to col. 3: 30).

More specifically, **with respect to at least claims 1, 24, 25 and 47,** Dutta teaches a method of and a system for:

identifying a hypertext link on a source web page **of a content aggregator's web site coupled to web server 102 of fig. 1** as a deep link, said hypertext link referencing a target web page on a target web site **or content producer's or content provider's web site coupled to web server 101 of fig. 1;** upon selecting said selecting said deep link (i.e. hyperlink) by a user or visitor **using client 103 of fig. 1,** accessing a deep link table **or database,** associated with said deep link, containing web page links and rules **(a sequence of web page links related to a plurality of pages that must first be viewed before the user's requested page or content is provided or displayed thereon)** for establishing web content that is to be presented to a visitor at said target web site **of the content producer or for controlling how requested content related to the deep link is to satisfied;** and displaying the requested web content related to the deep link according to the rules **or after the visitor has been exposed to a plurality of web pages, containing important information including sponsors' ads, at the content producer web site).**

Further, as recited in at least claim 24, Dutta implicitly or explicitly supports the steps of: accessing a target web site of a content producer 103 and identifying as deep link all web page links that do not include a sequence of other related web pages or that do not start with at least the content producer's home page (in other words, all links related to web page content that go too deep into the target web site of the content producer, while bypassing the sequence of other

related web pages or at least the content producer's or content provider's home page containing important information including sponsors' ads, are candidates for deep linking- see abstract); utilizing a browsing history of web pages navigated **by a user** at said target site **of content provider 103 of fig. 1 by tracking, via a cookie, the user's activity or the originally requested deep linked or hyperlinked page from the various pages from the target web site home page to reach the desired web page content corresponding to the deep link (col. 3: 4-9)**, entering or accessing, **by the user from a source web site of a content aggregator 102**, at least one target web site page (**content**) (**a web page of a target web site of the content producer 103 providing user's requested content**) identified as a deep link in a deep link table **or database if it requires that the user go deep into the target web site, when accessing the target page content, while bypassing the sequence of other related web pages or at least the content producer's or content provider's home page containing important information including sponsors' ads.**

**(col. 1: 34-56; col. 2: 54 to col. 3: 30; col. 3: 60 to col. 4: 29; fig. 1**

### **Conclusion**

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (571) 272- 6724.

Non-Official- 571-273-6719.

Official Draft : 571-273-8300

01/20/09

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/J. J./

/Jean Janvier/

Primary Examiner, Art Unit 3688